



February 03, 2022

VIA EMAIL

Annette K. Haldeman, Records Officer
Maryland Department of Legislative Services
90 State Circle
Annapolis, MD 21401
Annette.haldeman@mlis.state.md.us

Re: Public Information Act Request

Dear Records Custodian:

Pursuant to Maryland Public Information Act (“PIA”) codified at Md. Code Ann., Gen. Prov. §§ 4-101 et seq., American Oversight makes the following request for records.

Maryland Delegate Daniel Cox fought against certifying the results of the 2020 presidential election, including participating in the January 6, 2021 Trump rally that resulted in a mob storming the U.S. Capitol.¹

American Oversight seeks records with the potential to shed light on Delegate Cox’s communications regarding misinformation² related to the November 2020 election.

Requested Records

American Oversight requests that the Maryland Department of Legislative Services produce the following records immediately or within a reasonable period upon approval, and in no more than thirty days after receipt of this request:³

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, The Buzz, or Parler) **sent** by Delegate Dan Cox containing any of the key terms listed below:

¹ Christopher Mathias, *Meet Your Local Republican Insurrectionist*, HuffPost (Jan. 22, 2021, 5:54 AM), https://www.huffpost.com/entry/republican-lawmakers-at-the-capitol-riot_n_6009e17cc5b6df63a91e5cf4?guccounter=1.

² Melissa Block, *The Clear and Present Danger of Trump’s Enduring ‘Big Lie,’* NPR (Dec. 23, 2021, 5:00 AM), <https://www.npr.org/2021/12/23/1065277246/trump-big-lie-jan-6-election>.

³ Md. Code Ann., Gen. Prov. §§ 4-203(a)(1)–(b)(1).



Key Terms:

- a. Dominion
- b. Smartmatic
- c. Poulos
- d. Coomer
- e. Fox
- f. Newsmax
- g. OANN
- h. OAN
- i. Oltmann
- j. "One America News"
- k. "Gateway Pundit"
- l. MyPillow
- m. "My pillow"
- n. Lindell
- o. Murdoch
- p. "Election fraud"
- q. "Election integrity"
- r. Certify
- s. Certification
- t. "electoral college"
- u. Patriot
- v. Patriots
- w. "Save America"
- x. "Stop the steal"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 1 of its request to emails sent by Delegate Dan Cox. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Delegate Cox's response to an email containing the key term "Dominion" and the initial received message are responsive to this request and should be produced.

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Delegate Cox received a mass-distribution news clip email containing one of the specified key terms, that initial email would not be responsive to this request. However, if Delegate Cox forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

- 2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text messages or messages on messaging platforms (such as Slack, GChat or Google

Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, The Buzz, or Parler) between (a) Delegate Dan Cox and (b) any entity or individual listed below.

- i. Emily Newman (enewman@protonmail.com)
- ii. Katherine Friess (kfriess@protonmail.com)
- iii. Bernard Kerik (bernardkerik@protonmail.com)
- iv. Boris Ephsteyn (bepshytn@gmail.com)
- v. John Eastman (including, but not limited to, anyone communicating from the email address jeastman@claremont.org or jeastman@chapman.edu, or anyone communicating from an email address ending in @ccg1776.com)
- vi. Lin Wood, or anyone communicating from an email address ending in @fightback.law
- vii. Sidney Powell (sp@seeking-justice.org), or anyone communicating on behalf of Sidney Powell, P.C. (including anyone communicating from an email address ending in @federalappeals.com)
- viii. Matt Braynard, Ian Camacho, Caroline Craze, Ken Bennett, and/or anyone communicating on behalf of Look Ahead America (including, but not limited to, anyone communicating from an address ending in @LookAheadAmerica.org)
- ix. Douglas Frank (including, but not limited to, the email address drdouglasfrank@protonmail.com)
- x. Ken Blackwell (kennethblackwell693@gmail.com) and/or anyone communicating on behalf of America First Policy Institute (including, but not limited to, anyone communicating from an address ending in @americafirstpolicy.com)
- xi. Former National Security Advisor Mike Flynn (including, but not limited to, an address ending in @generalflynn.com) and/or anyone communicating on behalf of America's Future (including, but not limited to, anyone communicating from an address ending in @americasfuture.net)
- xii. Ivan Raiklin (ivan.raiklin@gmail.com or socialmediaraiklin@gmail.com)
- xiii. Cleta Mitchell (including, but not limited to, cleta@cletamitchell.com, cmitchell@foley.com, or an address ending in @bradleyfdn.org)
- xiv. Jenna Ellis (jenna.ellis.esq@gmail.com) and/or anyone communicating on behalf of Liberty University's Falkirk Center (including, but not limited to, anyone communicating from an address ending in @falkirkcenter.com), Thomas More Society (including, but not limited to, anyone communicating from an address ending in @thomasmoresociety.org), or American Greatness Fund (including, but not limited to, anyone communicating from an address ending in @americangreatnessfund.com)
- xv. Colonel Phil Waldron (including, but not limited to, phil@onewarrior.com or anyone communicating from an email address ending in @bonfiresearch.org), Russell Ramsland (including, but not limited to, ryuks9sq@alliedspecialops.us or

yrku9sqs@protonmail.com), J. Keet Lewis, and/or anyone communicating on behalf of Allied Security Operations Group (including, but not limited to, anyone communicating from an address ending in @alliedspecialops.us)

- xvi. Jovan Hutton Pulitzer (jovanhuttonpulitzer@gmail.com)
- xvii. Christina Bobb, Chanel Rion, or anyone communicating from an address ending in @oann.com, or Voices and Votes, including anyone communicating from an email address ending in @voicesandvotes.org)
- xviii. Mike Lindell (mike@mypillow.com)
- xix. Kurt Olsen (kurtols@protonmail.com)
- xx. William Olson (williamolson@lawandfreedom.com, wjo@mindspring.com)
- xxi. Phill Kline (phillklineva@gmail.com), Luis Cornelio (lcornel001@citymail.cuny.edu) Jacqueline Timmer, Mary Coran, Tom Breth, or anyone communicating on behalf of the American Voter's Alliance (including, but not limited to, anyone communicating from an address ending in @got-freedom.org)
- xxii. Ian Northon, Jessica Jolliffe, or anyone communicating from an email address ending in @rhoadesmckee.com
- xxiii. Seth Keshel (skeshel@protonmail.com)
- xxiv. Al Hartman, Jenny Limcher, or anyone communicating on behalf of Hartman Reit (@hi-reit.com)
- xxv. Garrett Ziegler (garrett.ziegler@icloud.com)

For both parts of this request, please provide all responsive records from November 1, 2020, through January 20, 2021.

Fee Waiver Request

In accordance with Md. Code Ann., Gen. Prov. § 4-206(e), American Oversight requests a waiver of fees associated with processing this request for records. A fee waiver is in the public interest because disclosure of the requested records will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Because American Oversight is a 501(c)(3) nonprofit dedicated to government transparency, and the request is primarily and fundamentally for non-commercial purposes, a fee waiver will serve the public interest by furthering American Oversight's nonprofit mission to inform and educate the public through the release of public records.

A waiver of fees is "in the public interest,"⁴ because disclosure of the requested records will inform the public concerning government activities and operations of interest. The public has a significant interest in the actions of its elected officials, particularly those involved in efforts to challenge the results of the 2020 election.⁵

⁴ Md. Code Ann., Gen. Prov. § 4-206(e)(2)(ii).

⁵ Olvetta Wiggins, *State Delegate Who is Trump Loyalist Enters Maryland Governor's Race*, Wash. Post (July 5, 2021, 11:19 AM),

Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent Delegate Dan Cox communicated with proponents of misinformation regarding the 2020 election. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁶

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁷ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;⁸ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁹ posting records received as part of American

https://www.washingtonpost.com/local/md-politics/cox-trump-maryland-governor/2021/07/05/c39e5460-dd46-11eb-b507-697762d090dd_story.html.

⁶ American Oversight currently has approximately 15,700 page likes on Facebook and 114,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 2, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 2, 2022).

⁷ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁸ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

⁹ See, e.g., *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight,

Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹⁰ and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.¹¹

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

<https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

¹⁰ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹¹ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the PIA.¹²
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.¹³ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at records@americanoversight.org or (202) 539-6507. Also, if American Oversight's

¹² See Md. Public Information Act Manual 1-6 (15th ed., Nov. 2020) (“email communications from private email accounts and text messages stored on private devices [that] are made or received by a custodian in connection with the transaction of public business, they are public records.”).

¹³ Md. Code Ann., Gen. Prov. § 4-203(c)(1)(ii); *Blythe v. State*, 161 Md. App. 492, 519, cert. granted, 388 Md. 97 (2005).

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
On behalf of
American Oversight